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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/825,440

04/14/2004

Bruce Bent

049212-0102

8474

22428 7590 02/26/2008

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER

PATEL, JAGDISH

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

02/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/825,440	Applicant(s) BENT ET AL.	
	Examiner JAGDISH PATEL	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 16-88 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 16-31, 51-59, 69-82, 84, 85, 87 and 88 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-50, 60-68, 83 and 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-3, 16-31, 51-59, 69-82, 84, 85, 87 and 88 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5-15-07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 9/11/08.

Election/Restrictions

2. Applicant's election without traverse of Claims 32-50, 60-68, 83 and 86 in the reply filed on 11/9/08 is acknowledged.

Response to Amendment

3. Claims 32-50, 60-68, 83 and 86 have been examined. Claims 1-3, 16-31, 51-59, 69-82, 84, 85, 87 and 88 have been withdrawn from further consideration.

Response to Arguments

3. The examiner has reviewed the applicant's Statement and Support submitted with the amendment filed 7/18/07 with reference to the subject matter of the aforementioned elected claims. The examiner notes that the feature of withdrawing funds from a single insured money market deposit account based on the net transaction and by way of an intermediate bank and preserving the interest bearing status of the single insured money market deposit account after more than six (6) transfers and or withdrawals is not disclosed or suggested in the October 1997 advertisement and submitted as an IDS reference on 3/2/07. However, this feature of depositing funds to or withdrawing funds from said single insured money market deposit account based on the net transaction and by way of an intermediate bank and preserving the interest-bearing status of the single insured money market deposit account after more than six (6) transfers and/or withdrawals are made during a month from said single insured money market deposit account is not sufficiently disclosed in the original specification of the '231 patent. See the following paragraphs.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 32-50, 60-68, 83 and 86 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject claims specifically requires that the act of depositing and withdrawing funds from the single insured money market deposit account is performed by way of an intermediate bank. No such relationship among a bank holding a plurality demand accounts and the intermediate bank is described or suggested in the specification originally filed with the issued patent application.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 32-50, 60-68, 83 and 86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The aforementioned claims recites limitation "depositing funds to or withdrawing funds from said single insured money market deposit account based on the net transaction and by way of an intermediate bank". It is unclear what phrase "by way of an intermediate bank" entails when considered in context of the claimed limitation. What is the relationship between the funds held in the single insured money market deposit account and the clients' demand accounts? For example, the aforementioned "depositing funds" limitation fails to clearly define what role the intermediate bank plays in context of the clients' demand accounts.

9. It appears the limitation "preserving the interest-bearing status" is merely an outcome (or conclusion) a process, but the claim does not ascertain how this outcome is realized. The claim does not specify that certain requirements (or constraints) are to be met to preserve (or maintain) the interest bearing status of the money market account and that how the claimed invention meets these conditions (or satisfies these constraints).

10. Whereas only claim 32 is referenced in analysis presented above, the examiner respectfully asserts that the reasoning therein applies to all independent claims currently under examination. Any amendment and or explanation therefore must take into account all pending claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-630PM Mon-Tue and Thu.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/JAGDISH PATEL/

Primary Examiner, Art Unit 3693

2/14/08